REMARKS

Applicants have amended Claims 1, 6-7, 9, 12, 15, and 18 to further distinguish Applicants' claimed invention. Reconsideration of the application in response to the Examiner's Office Action is respectfully requested.

I. Claim Rejections Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner has rejected Claims 1-20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Reiss et al., U.S. Patent 5,743,895 in view of Cook et al., U.S. Patent 5,562,740. Applicants respectfully disagree.

In Claim 1, Applicants claim:

> A chlorine free disposable diaper having a multi-layered diaper assembly comprising:
> an exterior layer comprising a non-woven material having a planar, soft, cloth-like surface layer;
> a core layer made of non-chlorine bleached material for holding waste materials within the disposable diaper;
> a containment layer coupled to a first side and a second side of the core layer for containing the waste material in the core layer and away from skin of a wearer, wherein the containment layer comprises a non bleached non-woven material;
> a distribution layer coupled to the containment layer for evenly distributing waste material to the core layer, wherein the distribution layer comprises a non bleached non-woven material; and
> an interior layer coupled to the distribution layer comprising a non-woven liquid permeable material.

In contrast, none of the prior art patents cited by the Examiner disclose a chlorine free disposable diaper that has a core layer made of non-chlorine bleached material for holding waste materials within the disposable diaper, a containment layer comprising a non bleached non-woven material coupled to a first side and a second side of the core layer for containing the waste material in the core layer and away from skin of a wearer, and a distribution layer comprising a non bleached non-woven material coupled to the containment layer for evenly distributing waste material to the core layer.

The Examiner contends that Cook et al. teaches non-chlorine bleached wood pulp as set forth in the Abstract and in column 5, line 63 to column 6, line 3. Applicants respectfully disagree. Cook et al. discloses a process for reduced odor and improved brightness of crosslinked fibers. In column 5, line 58 - column 6, line 3 Cook discloses "The optimum fiber source utilized in conjunction with this invention will depend upon the particular end use contemplated. Generally, pulp fibers made by chemical pulping processes are preferred. **Completely bleached, partially bleached and unbleached fibers are applicable**. It may frequently be desired to utilize bleached pulp for its superior brightness and consumer appeal. Wood fibers that have been at

least partially bleached are preferred for use in the process of the present invention. For products such as paper towels and absorbent pads for diapers, sanitary napkins, catamenials, and other similar absorbent paper products, it is especially preferred to utilize fibers from southern softwood pulp due to their premium absorbency characteristics." Nowhere in Cook does it disclose or anticipate non-chlorine bleached wood pulp for use in a disposable diaper. Cook only discloses a process for reduced odor and improved brightness of crosslinked fibers wherein the fibers may be bleached, partially bleached and unbleached. No where in Cook is non-chlorine bleached wood pulp disclosed.

To further distinguish Applicants claimed invention from the cited prior art, Applicants disposable diaper has a containment layer comprising a non bleached non-woven material coupled to a first side and a second side of the core layer for containing the waste material in the core layer and away from skin of a wearer. The disposable diaper may further have a distribution layer comprising a non bleached non-woven material coupled to the containment layer for evenly distributing waste material to the core layer. None of the cited prior art disclose a containment layer comprising a non bleached non-woven

material coupled to a first side and a second side of the core layer for containing the waste material in the core layer and away from skin of a wearer, or a distribution layer comprising a non bleached non-woven material coupled to the containment layer for evenly distributing waste material to the core layer.

For the above reasons, Applicants respectfully submit that the Examiner's rejections under 35 U.S.C. 103(a) has been effectively traversed and that Claims 1-20 are now in condition for allowance. Such action is earnestly solicited.

II. Conclusion

Applicants respectfully submit that Applicants' claimed invention is deserving of patent protection because it describes a useful and functioning apparatus which is patentably distinguishable over the prior art.

In conclusion, Applicants respectfully submit that this Amendment Letter, including the amendments to the Claims, and in view of the Remarks offered in conjunction therewith, are fully responsive to all aspects of the possible objections and rejections tendered by the Examiner in the Office Action. Applicant respectfully submits that he has persuasively demonstrated that the above-identified Patent Application,

including Claims 1-20 are in condition for allowance. Such action is earnestly solicited.

If the foregoing does not place the case in condition for immediate allowance, the Examiner is respectfully requested to contact the undersigned for purposes of a telephone interview.

If there are any fees incurred by this Amendment Letter, please deduct them from our Deposit Account NO. 23-0830.

Respectfully submitted,

Jeffrey D. Moy
Reg. No. 39,307
Attorney for Applicants

Weiss & Moy, P.C.
4204 N. Brown Ave.
Scottsdale, AZ 85251
(480) 994-8888 (Phone)
(480) 947-2663 (Fax)

JDM/msw